

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DIOMED, INC.,

Plaintiff,

v.

VASCULAR SOLUTIONS, INC.,

Defendant.

Civil Action No. 04-CV-10444-RGS

DIOMED'S REPLY TO VSI'S FIRST AMENDED COUNTERCLAIM

Plaintiff Diomed, Inc. ("Plaintiff" or "Diomed") hereby replies to the Counterclaim filed by Defendant Vascular Solutions, Inc. ("Defendant" or "VSI").

1. Admits.
2. Admits.
3. Admits.
4. Admits, except notes that the entity from which Diomed acquired an exclusive license is Endolaser Associates, LLC (not Endolaser, LLC).
5. Admits that Diomed alleges that VSI is infringing the '777 patent as set forth in Diomed's Complaint, which document speaks for itself.
6. Admits only that there is an actual justiciable controversy over whether VSI is infringing the asserted claims of the '777 patent and over whether the asserted claims of the '777 patent are valid.

7. Denies.
8. Denies that any asserted claims of the '777 patent are invalid.
9. Denies.

DIOMED, INC.,

By its attorneys,

Dated: January 18, 2005

/s/ Michael A. Albert

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